


IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

**FILED**  
DISTRICT COURT OF GUAM  
AUG - 2 2005 

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. CR-05-00027

DATE: 08/02/2005

HON. CONSUELO B. MARSHALL, Designated Judge, Presiding  
Court Reporter: Wanda Miles  
Hearing Electronically Recorded: 10:22:51 - 11:24:22

Law Clerk: NONE PRESENT  
Courtroom Deputy: Virginia T. Kilgore  
CSO: J. McDonald

\*\*\*\*\* A P P E A R A N C E S \*\*\*\*\*

DEFT: JOSEPH CARLOS TAITANO AGUON

ATTY : KIM SAVO

(X) PRESENT ( ) CUSTODY (X) BOND ( ) P.R.

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: JEFFREY STRAND

AGENT:

U.S. PROBATION: STEPHEN GUILLIOT

U.S. MARSHAL: S. LUJAN

( ) ARGUMENT FOR A DOWNWARD DEPARTURE BY THE \_\_\_ GOVERNMENT \_\_\_ DEFENSE \_\_\_ GRANTED  
COURT DEPARTS TO A LEVEL \_\_\_\_\_ FROM A LEVEL \_\_\_\_\_

( ) ARGUMENT FOR AN UPWARD DEPARTURE BY THE \_\_\_ GOVERNMENT \_\_\_ DEFENSE

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS \_\_\_\_\_

Base offense level: 14

Total offense level: 13

Criminal History Category: II

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested the Court to sentence the Defendant to a term of 2 years probation which will run during the remaining period of his parole in his local case.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Adopted the Probation Officer's recommendation.

(X) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Defense and Government counsel had no objections to the amended presentence report. Probation Officer Stephen Guilliot informed the Court regarding Defendant's release status.

Defendant's son, Tony Aguon addressed the Court.

The Court imposed a sentence of probation and stated that should the Defendant violate a term or condition of his probation, the Court will sentence the Defendant to 18 months imprisonment which is the sentence the Court would have imposed in this case.

SENTENCE: CR-05-00027

DEFENDANT: JOSEPH CARLOS TAITANO AGUON

( X ) DEFENDANT IS SENTENCED TO PROBATION FOR A TERM OF THREE YEARS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, AND LOCAL OFFENSE.
2. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. SENTENCING COMMISSION.
3. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
4. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
5. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.
6. DEFENDANT SHALL REFRAIN FROM THE USE OF ANY AND ALL ALCOHOLIC BEVERAGES.
7. DEFENDANT SHALL SUBMIT TO ONE (1) URINALYSIS TEST WITHIN 15 DAYS OF RELEASE FROM CUSTODY AND, TO TWO MORE URINALYSIS WITHIN SIXTY (60) DAYS THEREAFTER.
8. DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION FOR ASSESSMENT AND TREATMENT OF NARCOTIC ADDICTION OR DRUG OR ALCOHOL DEPENDENCY WHICH WILL INCLUDE TESTING FOR THE DETECTION OF SUBSTANCE USE OR ABUSE. IT IS FURTHER RECOMMENDED THAT THE DEFENDANT MAKE A CO-PAYMENT FOR TREATMENT AT A RATE TO BE DETERMINED BY THE U.S. PROBATION OFFICE.
9. DEFENDANT SHALL PERFORM 400 HOURS OF COMMUNITY SERVICE TO BE APPROVED BY PROBATION.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00 IMMEDIATELY AFTER SENTENCING.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS.